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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTURO GARCIA-GAMBOA,

Defendant

CASE NO.: **2:14-cr-00141-GMN-CWH -3**

**CORRECTED JOINT MOTION TO ALLOW DEFENDANT ARTURO GARCIA-GAMBOA
TO WITHDRAW HIS GUILTY PLEA**

The defendant, Arturo Garcia-Gamboa, by and through appointed counsel, Melanie Hill, and the United States of America, by and through counsel, Robert Knief, jointly move the Court to Allow Mr. Garcia-Gamboa to withdraw his guilty plea entered on March 28, 2016 in the interest of justice. Thereafter, the United States of America will move to dismiss the Indictment against Mr. Garcia-Gamboa.

Federal Rule of Criminal Procedure 11(d)(2)(B) provides:

A defendant may withdraw a plea of guilty or nolo contendere after the court accepts the plea, but before it imposes sentence if the defendant can show a fair and just reason for requesting the withdrawal.

Fed. R. Crim. P. 11(d)(2)(B).

Here, the Government has agreed to jointly move to allow the Defendant to withdraw his guilty plea in the interest of justice. Based of this joint motion, the parties respectfully request that

1 the Court enter an Order allowing Mr. Garcia-Gamboa to withdraw his guilty plea and strike his
2 Plea Agreement [Dkt 138] from the docket.

3 DATED this 19th day of April, 2016.

4
5 LAW OFFICE OF MELANIE HILL

DANIEL G. BOGDEN
United States of America

6 */s/ Melanie A. Hill*

/s/ Robert Knief

7 By: _____
Melanie A. Hill
8 Attorney for Defendant Arturo Garcia-Gamboa

By: _____
Assistant United States Attorney
Attorney for the United States of America

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[PROPOSED] ORDER

Based on the Corrected Joint Motion to Allow Defendant Garcia-Gamboa to Withdraw his Guilty Plea and pursuant to Federal Rule of Criminal Procedure 11(d)(2)(B), the Court finds that it in the interest of justice to allow Defendant Garcia-Gamboa to withdraw his guilty plea entered on March 28, 2016. Finding that the parties have jointly shown a fair and just reason for requesting the withdrawal pursuant to Federal Rule of Criminal Procedure 11(d)(2)(B),

IT IS HEREBY ORDERED that Defendant Garcia-Gamboa's guilty plea entered on March 28, 2016 is hereby WITHDRAWN.

IT IS FURTHER ORDERED that Defendant Garcia-Gamboa's Plea Agreement [Dkt 138] is hereby STRICKEN.

Dated this 21 day of April, 2016.



GLORIA M. NAVARRO, CHIEF JUDGE
UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April, 2016, I electronically filed this CORRECTED JOINT MOTION TO ALLOW DEFENDANT ARTURO GARCIA-GAMBOA TO WITHDRAW HIS GUILTY PLEA with the Clerk of Court using the CM/ECF system, which will cause the document to be served upon the following counsel:

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/s/ Melanie A. Hill

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